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09/589,799

Claims 1, 6, 7, 12, and 17-20 (including all of the independent claims) were rejected under 35 USC 103(a) over Tobe et al. (US5,778,224) in view of Kitagawa et al. (US6,578,159).

To expedite the already delayed prosecution herein, Applicants have cancelled claims 18-20. They have amended the remaining independent claims 1, 7, and 12 to respectively include the elements of claims 2, 8, and 13. Thus claims 1, 7, and 12 are now cancelled claims 2, 8, and 13 respectively in independent form.

Since remaining claims 1, 3-7, 9-12, and 14-17 all respectively have the elements of either claim 2, 8, or 13, these claims are thus rejected under 35 USC 103(a) over the combination of Tobe in view of Kitagawa as set forth above but further in view of Gossler et al. (US5,799,173). Applicants respectfully traverse this rejection.

The Gossler patent is owned by International Business Machine Corporation, the common assignee in the present Application. This commonly owned Gossler patent is precluded from being used in any 35 USC 103 rejection under 35 USC 103(c). The Gossler patent was owned by International Business Machines Corporation at the time the invention of the present Application was made. The file of the present Application indicates that an Assignment of the present Application to the common Assignee is filed in the Patent Office. Also the printed Gossler patent indicates that it is assigned to the same Assignee. Since the present Application has a filing date after November 29, 1999, and the Gossler patent would qualify as prior art under the provisions of 35 U.S.C. 102(e), it is submitted that the Gossler patent can not be used to preclude patentability based upon 35 U.S.C. 103(c). [Examiner's attention is directed to MPEP Sections 706.02(1); (1)(1); (1)(2); and

PATENT
09/589,799

(1)(3).] Accordingly, Examiner is respectfully requested to withdraw Gossler as a reference in the 35 USC 103(a) rejection.

Examiner has admitted in section 10 of the Office Action that without Gossler, the other two combined references Tobe and Kitagawa do not mention the claimed limitations of claims 2 (now claim 1), 8 (now claim 7) and 13 (now claim 12).

To review the reasons for patentability of the remaining claims herein, the claimed invention covers an implementation for workload balancing in the distribution of data processing transactions wherein the messages into which the transactions are allocated are in turn stored in displayable queues associated with the computer systems and servers to which the messages were allocated. It is from such queues that the messages may respectively be reallocated to other computer systems by interactive users through means for displaying the allocated and reallocated message queues.

The basic Tobe patent is only a very general disclosure of distributed data processing wherein general data processing functions are distributed as transaction among a plurality of computers. The modifying Kitagawa reference is similar in scope except that the Examiner has pointed to Fig. 5 therein where a transaction logic flow is shown in which a transaction is split into a pair of transactions without any descriptive matter showing pertinence to the present invention. The combination of these two references, as the Examiner has admitted in Section 10 of the Office Action does not suggest the presently claimed invention wherein the messages into which the transactions are allocated are in turn stored in displayable queues associated with the computer systems and servers to which

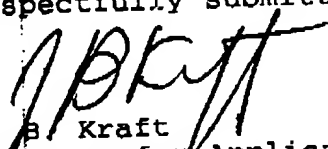
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PATENT
09/589,799

the messages were allocated. It is from such queues that the messages may respectively be reallocated to other computer systems by interactive users through the means for displaying the allocated and reallocated message queues. Without Gossler, there is no suggestion of the present claimed invention.

In view of the foregoing, claims 1, 3-7, 9-12, and 14-17 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,


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